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TO RUEHC/SECSTATE WASHDC 1742
INFO RUEHZL/EUROPEAN POLITICAL COLLECTIVE
RUEHRO/AMEMBASSY ROME 2551
RUEHLA/AMCONSUL BARCELONA 4317
RUEAWJA/DEPT OF JUSTICE WASHDC
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C O N F I D E N T I A L SECTION 01 OF 02 MADRID 000079

SIPDIS

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E.O. 12958: DECL: 01/25/2020

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SUBJECT: SPAIN: FIVE CONVICTED FOR SENDING MUJAHEDDEEN TO
IRAQ

REF: A. 09 MADRID 505

[B](#). MADRID 76

[C](#). 08 MADRID 1230

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Classified By: DCM Arnold A. Chacon for reasons 1.4 (b) and (d)

[1](#). (C) SUMMARY. The National Court on January 13 convicted five of nine defendants in the joint prosecution against the radical Islamists detained in January 2006 in the simultaneously executed Operations Chacal (See Ref A for more details) and Camaleon, which took down cells in Barcelona and Madrid, respectively. The two cells had ties to each other and to the cell detained in June 2005 as Operation Tigris (See Ref A). The defendants were aligned with the Moroccan Islamic Combat Group, and were involved in recruiting, indoctrinating and sending "mujahedeens" to fight in Iraq under the banner of Ansar Al Islam, which then-leader Abu Musab Al Zargawi later rebranded as Al Qaeda in Iraq. The defendants' most notorious exploits included recruiting a suicide bomber who in 2003 truck-bombed the Italian military police headquarters in Nasiriyah, Iraq and assisting in the escape of some of the Madrid train bombers in 2004. While the prosecutor privately told U.S. officials she was "satisfied" with the verdict, she also cited this case as an example of ongoing difficulties she has experienced in having U.S. intelligence-based evidence used in Spanish courts (See Septel). END SUMMARY.

[2](#). (SBU) Prosecutor Dolores "Lola" Delgado sought 7-18 years imprisonment for the defendants for their alleged roles in recruiting suicide bombers for Iraq and for their reported links to the 2003 Casablanca bombings and the 2004 assassination of Dutch filmmaker Theo Van Gogh. The trial took place during September-October, 2009. Delgado received news of the verdict on the morning of the second day of the US-Spain Counter-Terrorism and Organized Crime Experts Working Group meeting in Madrid (See Ref B) and informed the U.S. officials that she was "satisfied" with the verdict. The U.S. delegation congratulated her on a successful prosecution.

[3](#). (U) The three-judge panel - comprised of Javier Gomez Bermudez, Ramon Saez, and Javier Martinez Lazaro - convicted

five individuals and acquitted four others. Omar Nakcha, Saffet Karakoc, a.k.a. "Ismael el Turco," and Mohamed Mrabet Fahsi were found guilty of membership in a terrorist group and were sentenced to nine, eight and seven years imprisonment, respectively. Redouan Ayach, a.k.a. "Yasin," and Djamel Dahmani, a.k.a. "Abdelrrahman" and "Abdelkader," each received five years for cooperation with a terrorist group.

//Links to Madrid train bombers//

¶4. (U) Omar Nakcha, the reputed chief of the Chacal cell, provided a false passport and money to some of the alleged Madrid train bombers - including Mohamed Belhadj - and helped them flee the country (See Ref A). Nakcha later traveled to Antwerp in 2005 to give Belhadj more money and urged him to travel to Iraq to avoid arrest. COMMENT: Belhadj currently is in jail in Morocco and is one of seven suspects named in November 2009 as part of a second wave of indictments for their alleged roles in the Madrid train bombings. Belhadj, who reportedly rented the apartment where several of the Madrid bombers later blew themselves up, was long believed to have died as a suicide bomber in Iraq until he re-surfaced in May 2009 when Syria handed him over to Morocco. Spanish investigating judge Eloy Velasco has traveled to Morocco for questioning of Belhadj, who reportedly revealed that he was incarcerated for 22 months in Syria. There is some clamoring for him to be extradited to Spain to stand trial, but Morocco does not extradite its citizens.

//Role in Fatal Attack on Italian Police//

¶5. (U) The judges ruled that Mohamed Mrabat recruited and indoctrinated Bellil Belgacem, an Algerian citizen who set

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off a truck bomb against the Italian Carabinieri headquarters in Iraq in November, 2003, killing 28 and wounded more than ¶100. However, the judges ruled that there was insufficient evidence to convict Mrabet of having induced Belgacem to be a suicide bomber per se. According to the judges, the crime of inducement to commit suicide requires proof that the influence is "effective, direct, and done in an active manner."
SOLOMONT